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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,663	12/04/2003	Sean Patrick Nolan	4444.P008	8854
<div>7590 11/09/2009</div> <div>R. Alan Burnett BLAKELY, SOKOLOFF, TAYLOR &amp; ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026</div>				
EXAMINER				
HAIDER, FAWAAD				
ART UNIT		PAPER NUMBER		
3627				
MAIL DATE		DELIVERY MODE		
11/09/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/728,663

**Applicant(s)**

NOLAN, SEAN PATRICK

**Examiner**

FAWAAD HAIDER

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20, 22 and 40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 20, and 22 is/are rejected.
- 7) ☒ Claim(s) 2-19 and 40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Objections***

1. Claim 40 is objected to because of the following informalities: Claim 40 is dependent upon a cancelled claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 20, and 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheung et al (2002/0169760) in view of Meisel et al (2003/0033292) and Kalagnanam et al (6,873,967).

Re Claims 1, 22: Cheung discloses identifying target objects on an electronic storefront Web site to which customer traffic is to be targeted (see [0009, 0011]); automatically generating search keywords for the target objects that are identified and found by the search (see [0010]). Cheung does not disclose the following.

However, Meisel discloses initiating purchase of the search keywords from one or more search partners (see [0014, 0023]). Meisel also discloses determining at least one applicable target type for each of the identified target objects and generating the search keywords for each of the determined at least one applicable target types (see Abstract, [0012, 0013, 0014, 0019]). From the teaching of Meisel, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cheung's invention with Meisel's disclosure of initiating a purchase in order to "influence a position for a search listing within a search result list generated by an Internet search engine (see Meisel Abstract)."

However, both Meisel and Cheung fail to disclose wherein identifying the target objects includes performing a search for the target objects located in an electronic catalog separate from the electronic storefront Web site. Meanwhile, Kalagnanam discloses wherein identifying the target objects includes searching for the target objects located in an electronic catalog separate from the electronic storefront Web site (see Abstract, Background). From the teaching of Kalagnanam, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify both Anderson and Cheung with Hori's disclosure of the identification of target objects in an electronic catalog in order to "help shoppers select and purchase one or more groups of products from different online network sites (see Kalagnanam col.1, lines 8-11)."

Re Claim 11: Cheung discloses wherein the plurality of formatted search result templates includes templates that are particular to at least one of a product, a brand, and a product category (see [0008]).

Re Claim 12: Cheung discloses wherein at least one formatted search result includes a destination URL containing embedded information identifying at least one of a product, brand, or category associated with the corresponding keyword (see [0023, 0086, 0089, 0091-0092]).

Re Claim 17: Cheung discloses wherein the document comprises one of a spreadsheet, database table, or an XML (extended markup language) document (see [0028, 0088, 0142]).

Re Claims 20, 40: Cheung discloses wherein the target objects include at least one of a product, brand, category, drug, and URL (see [0008, 0023, 0086, 0089]).

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 22, and 40 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Allowable Subject Matter***

5. Claims 2-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is

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filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fawaad Haider/

Examiner

Art Unit 3627

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627